

Remarks/Arguments

Claims 16, 22-24, 30, 40 and 41 are currently pending in the application.

Claims 16 and 30 have been amended to remove objected to claim language.

All amendments to the claims were made without prejudice, and without acquiescence in any of the rejections, or the reasoning underlying any of the rejections. Applicants specifically reserve the right to pursue any deleted subject matter in one or more continuing applications.

Withdrawn Claim Objection

Applicants thank the Examiner for the indication that the previous objection to Claims 20 and 34-41 has been withdrawn.

Withdrawn Claim Rejections - 35 USC § 112

Applicants note with appreciation that the rejection of Claim 19 under 35 U.S.C. §112, first paragraph, has been withdrawn.

Applicants note with appreciation that the rejection of Claims 16-24, 30 and 34-41 under 35 U.S.C. §112, second paragraph, has been withdrawn.

Withdrawn Claim Rejections - 35 U.S.C. §§102 and 103

1. Applicants note with appreciation that the rejection of Claims 16, 20 and 21 under 35 U.S.C. §102(b) as "anticipated" by Elliott et al. (WO 95/05465) has been withdrawn.

2. Applicants note with appreciation that the present Office Action indicates that the rejection of Claims 16, 20 and 21 under 35 U.S.C. §103(a) [sic] as "anticipated" by Hyttinen et al. (U.S. Patent No. 5,959,171) has been withdrawn.

However, Applicants note that in the First Office Action (paper 14), Claim 22 (and not Claims 16, 20 and 21) stood rejected under 35 U.S.C. §103(a) as anticipated by Hyttinen et al. (U.S. Patent No. 5,959,171). Applicants, in their reply to the First Office Action, presented arguments why this rejection should be withdrawn. Since this rejection against Claim 22 was not maintained in the present Office Action (Paper

No. 19), Applicants presume that the rejection of Claim 22 under 35 U.S.C. §103(a) as anticipated by Hyttinen et al. has been withdrawn. Confirmation of this is respectfully requested.

Informalities

The disclosure stands objected to because Table 1, which cites the computer source code for the ALIGN-2 program has over 300 lines and allegedly must be submitted on a compact disc in compliance with 37 C.F.R. §1.52(e), and 37 C.F.R. §1.96(c).

Applicants have amended the specification to delete Table 1 from the specification. Applicants note that the ALIGN2 program was registered with the Copyright Office under U.S. Copyright Registration No. TXU510087. Applicants have renumbered Tables 2-8 in the specification as Tables 1-7 consecutively.

Claim Objections

1. Claims 16, 22-24, 40 and 41 stand objected to because of the recitation of the term "the sequence of amino acid residues from 1 or 28 to 193 of Figure 2 (SEQ ID NO:2)". The Examiner requested that "Figure 2" be deleted.

Applicants have amended Claim 16 to delete the term "Figure 2". Applicants note that Claim 30 also contains the same language, and accordingly, Applicants have also amended Claim 30 to remove the term "Figure 2"

2. Claim 30 stands objected to because the claim recites non-elected inventions (e.g., an agonist, or antagonist and an antibody).

Applicants have amended Claim 30 to remove the recitation of non-elected inventions.

Withdrawal of these claim objections is respectfully requested.

All amendments to the claims were made without prejudice, and without acquiescence in any of the rejections, or the reasoning underlying any of the rejections.

Applicants specifically reserve the right to pursue any deleted subject matter in one or more continuing applications.

All claims pending in this application are believed to be in prima facie condition for allowance, and an early action to that effect is respectfully solicited.

Please debit any additional fees, including any additional fees for extension of time, or credit overpayment to Deposit Account No. 08-1641, referencing Attorney's Docket No. 39766-0057 CP2). Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

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